

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2007-0049 - Palm Square

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6004 Webberville Road (Walnut Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning for Tract 1; and commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning for Tracts 2 and 3.

ISSUES:

A petition has been filed against this case representing 7.4% of the property within 200 feet.

OWNER/APPLICANT: New Century Properties (Jennifer Tran).

AGENT: AEC, Inc. (Phil Moncada).

DATE OF FIRST READING: October 11, 2007:

CITY COUNCIL HEARING DATE: November 29, 2007

CITY COUNCIL ACTION:

The first reading of the ordinance for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning for Tract 1; and commercial services-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning for Tracts 2 and 3 was approved on Council Member Kim's motion, Council member Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

CASE MANAGER: Robert Heil

e-mail address: robert.heil@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0049 (Palm Square)

PC DATE: July 24, 2007

ADDRESS: 6004 Webberville Road

OWNERS: New Century Properties (Jennifer Tran) **AGENT:** A.E.C., Inc. (Phil Moncada)

ZONING FROM: CS-CO-NP, Commercial Services -- Conditional Overlay -- Neighborhood Plan combining district

TO: CS-1-CO-NP, Commercial Services-Liquor Sales -- Conditional Overlay- -- Neighborhood Plan combining district

AREA: 0.57 acres

PLANNING COMMISSION RECOMMENDATION:

July 24, 2007: Approved staff recommendation of CS-CO-NP and CS-1-CO-NP, on consent.

STAFF RECOMMENDATION: CS-1-CO-NP, Commercial Services-Liquor Sales -- Conditional Overlay- -- Neighborhood Plan combining district for tract 2 (6000 square feet) and tract 3 (3000 square feet), with the remainder of the property CS-CO-NP

The Staff recommends retaining the conditional uses approved as part of the Neighborhood Plan (which are listed below).

DEPARTMENT COMMENTS:

A petition has been filed against this case representing 7.4% of the property within 200 feet.

The rezoning site is an existing, approximately 30,000 square-foot building located in an abandoned shopping center at the northeastern corner of the intersection of US Highway 183 (Ed Bluestein) and FM 969 (East MLK/Webberville). The shopping center is planned for redevelopment.

The applicant originally requested a rezoning to CS-1-CO-NP for the entirety of the existing building in order to operate a liquor store and a cocktail lounge. Staff and the applicant have agreed to rezoning two tracts within the larger property to CS-1 to allow for these uses, while retaining the overall CS-CO-NP zoning.

This site is within the East MLK Combined Planning Area, more specifically, the MLK-183 Neighborhood Planning Area. The Future Land Use Map (FLUM) calls for Mixed Use. The requested CS-1-CO-NP zoning conforms to the FLUM so a plan amendment is not necessary for this rezoning.

The existing conditional overlay approved with the Neighborhood Plan and which is proposed and recommended for retention, makes conditional the following uses:

- Adult oriented businesses
- Automotive sales
- Commercial blood plasma center
- Convenience storage
- Equipment sales
- Vehicle storage
- Agricultural sales and services
- Campground
- Construction sales and services
- Equipment repair services
- Kennels
- Limited warehousing and distribution.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO-NP	Vacant shopping center building
<i>North</i>	CS-CO-NP and SF-2-NP	CS-CO-NP: Undeveloped; SF-2-NP: Single-family residences
<i>South</i>	Across FM 969: CS-NP & CS-CO-NP	CS-NP: Undeveloped;
<i>East</i>	SF-2-NP	Single-family residences
<i>West</i>	Across 183: CS-CO-NP	Church (Distance from nearest property line to nearest property line is approximately 500 feet)

NEARBY CASE HISTORIES:

CASE	REQUEST	COMMISSION ACTION	COUNCIL ACTION
C14-2007-0058.SH	From LR-NP to LR-MU-NP (Staff recommends)	06/12/07: Approved Staff rec.	06/21/07: Approved Commission rec.
C14-06-0173	From GO-NP to GO-MU-NP (Staff recommends)	10/24/07: Approved Staff rec.	12/14/07: Approved Commission rec.
C14-03-0171	From LR-NP to LR-MU-NP (Staff recommends)	2004: Approved Staff rec.	05/04/04: Approved Commission rec.
C14-02-0142.002	MLK-183 Neighborhood Planning Area rezonings	11/09/02: Approved n'hood plan rezonings	11/07/02: Approved n'hood plan rezonings
C14-02-0004	From LO to W/LO (Staff alt rec. of W/LO-CO)	02/26/02 and 04/09/02: Approved Staff alt. rec.	04/25/02: Approved Commission rec.
C14-01-0042	From LO to GR (Staff alt. rec. of LR-CO)	05/01/01: Approved Staff alt. rec.	08/23/01: Approved Commission rec.

AREA STUDY: East MLK Combined Planning Area, more specifically, the MLK-183 Neighborhood Planning Area

TRAFFIC IMPACT ANALYSIS (TIA): Not Required

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- East MLK Neighborhood Plan Contact Team
- Austin Neighborhoods Council
- Craigwood Association
- Cavalier Park Neighborhood Assn.

- Del Valle Neighborhood Assn
- Home Builders Association of Greater Austin

ABUTTING STREETS:

Name	ROW	Pavement	Classification
Ed Bluestein Blvd (US 183)	500'	410' (including frontage roads)	Arterial
MLK Blvd (FM 969)	120'	50'	Arterial

CITY COUNCIL DATE:

ACTION:

September 25, 2007:

Close the public hearing and postponed action until October 11, 2007 (5-0).

October 11, 2007:

The first reading of the ordinance for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning for Tract 1; and commercial services-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning for Tracts 2 and 3 was approved on Council Member Kim's motion, Council member Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

November 8, 2007:

Postponed to November 29

November 29, 2007:

ORDINANCE READINGS: 1st 10/11/07 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil

PHONE: 974-2330

EMAIL: Robert.heil@ci.austin.tx.us

STAFF RECOMMENDATION

CS-1-CO-NP, Commercial Services-Liquor Sales -- Conditional Overlay- -- Neighborhood Plan combining district for tract 2 (6000 feet) and tract 3 (3000 square feet), with the remainder of the property CS-CO-NP

The Staff recommends retaining the conditional uses approved as part of the Neighborhood Plan (which are listed below).

BASIS FOR RECOMMENDATION

The proposed zoning should be consistent with the purpose statement of the district sought.

The commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

This site is located at the intersection of two major arterials: FM 969/East MLK/Webberville Road and US Highway 183/Ed Bluestein Road.

Zoning changes should not result in detrimental impacts to the neighborhood character.

Permitting a limited amount of commercial-liquor sales within this shopping center should not be detrimental to the single-family neighborhood behind the site to the north and east..

EXISTING CONDITIONS

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time.

A Neighborhood Traffic Analysis is not required per LDC, Sec. 25-6-114.

A traffic impact analysis was not required for this case because the base zoning is not being changed. However, at the time of site plan application a TIA may be required if the traffic generated by the proposed site exceeds the 2,000 vehicle trips per day.

Existing Street Characteristics:

Name	ROW	Pavement	Classification
Ed Bluestein Blvd (US 183)	500'	410' (including frontage roads)	Arterial
MLK Blvd (FM 969)	120'	50'	Arterial

There are no existing sidewalks along the property.

MLK Blvd is classified in the Bicycle Plan.

Capital Metro bus service is available along MLK Blvd. Route 23 (Johnny Morris Route) provides service from Springdale (at Manor Rd) shopping center to Techni Center (at US 183).

Site Plan

Compatibility standards will apply to any development on this site, and any cocktail lounge or late-hours use will require a conditional use permit approved by Planning Commission at the time of site plan approval.

Water/Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, an abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



Subject Tract



Zoning Boundary



Pending Cases

$$1'' = 400'$$

OPERATOR: S. MEEKS

ZONING

CASE#: C14-2007-0049

ADDRESS: 6004 WEBBERVILLE RD

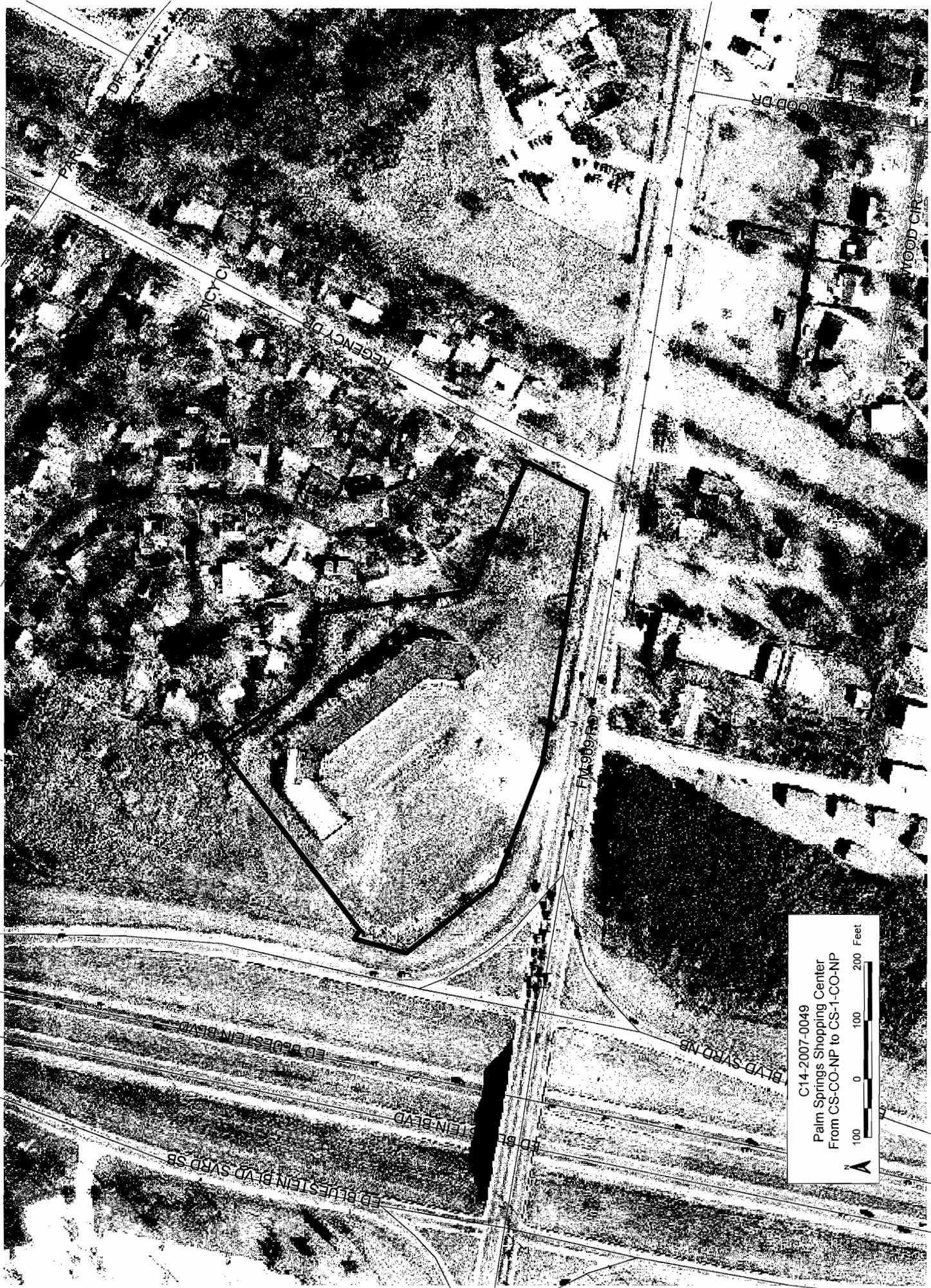
SUBJECT AREA: 7.68 ACRES

GRID: N24

OPERATOR: R. HEIL



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



C14-2007-0049
Palm Springs Shopping Center
From CS-CO-NP to CS-1-CO-NP

100 0 100 200 Feet

N

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2007-0049

Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

☐ I am in favor
☒ I am in object

Your Name (please print)

Jerry Rusthoven 78724

Your address(es) affected by this application

9/27/07

Signature

Date

Comments: a 9000 soft cocktail lounge and liquor store does not fit in to the initial vision of SMART housing nor does it add value to Cavalier Park. Residents wants needs please take into consideration the many families and children that could be affected by your decision.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jerry Rusthoven

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0049

Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

☐ I am in favor
☒ I am in object

Your Name (please print)

Valerie Rossman - Ott Austin TX 78724

Your address(es) affected by this application

9/25/2007

Signature

Date

Comments: Regency is a Family Neighborhood It is highly populated with children on foot. There is an understanding of all residents of Heritage Village & Regency that this is a family neighborhood and that we all need to drive slowly & cautiously. We do not want public traffic or dry drunks in our neighborhood!

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jerry Rusthoven

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0049

Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

Sept 27 Kathy Gonzalez
Your Name (please print)

6513 Garden View Dr. 78704

Your address(es) affected by this application

Katherine A. Hagley 9/26/07
Signature Date

Comments:

The builder omitted and lied about the type of establishments they intended to go in this strip mall.

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Jerry Rusthoven
P. O. Box 1088
Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C14-2007-0049

Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

Sept 27 INS Benavides
Your Name (please print)

6513 Garden View Dr.

Your address(es) affected by this application

Jos Benavides Sept. 27, 07
Signature Date

Comments:

~~I want~~ I do not want a club in this area. There will be a worse lot of drunk people coming out of the club late at night accidents will occur. There should be a gas station or a Tiger Exxon Market instead. Better Business tiger exton not a club. Kids are always outside at night.

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Jerry Rusthoven
P. O. Box 1088
Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

☐ I am in favor
☒ I object

Your Name (please print)

VALARIE CAMPBELL

5200 HERITAGE VILLAGE DR.

Your address(es) affected by this application

Valarie Campbell

Signature

Date

9/27/07

Comments:

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City of Austin
Neighborhood Planning and Zoning Department
Jerry Rusthoven
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Case Number: C14-2007-0049

Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

☐ I am in favor
☒ I object

Your Name (please print)

Jase and Judith Hernandez

6412 Garden View Drive Austin TX

Your address(es) affected by this application

Jase and Judith Hernandez

Signature

Date

78724
09/26/07

Comments:

I definitely object.

The only entrance to our neighborhood is REGENCY. We are a community that is family based. We don't want to have drunk people around our children.

Please education, sports, entertainment not alcohol and abuse.

We are a family of 5. Husband and wife and 3 young boys. We want to

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City of Austin
Neighborhood Planning and Zoning Department
Jerry Rusthoven
P. O. Box 1088
Austin, TX 78767-8810

opportunities to grow.
Good exchange is first.

MAT 11/11/07

Place Place in suggestion box
p. 1
3000
2/2/06

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Case Number: C14-2007-0049
Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission
August 23, 2007 City Council

☐ I am in favor
☒ I object

SEP 27

Jake and Keely Kuykendall

Your Name (please print)

6402 Garden View Drive Austin TX 78724

Your address(es) affected by this application

Jake Kuykendall

Signature

9/25/2007

Date

Comments: My wife and I strongly oppose the zoning changes and proposed nightclub at 183 + 969. If these plans are approved, we believe it will have a very negative impact on our neighborhood and community. Our main concern is for the safety and well-being of the children in our subdivision and we fear these zoning changes will introduce a dangerous and criminal element to our streets. We are also insulted that this proposed plan will have a driveway feeding off of Regency, which is our only point of entrance or exit for the neighborhood. The risks are just too great and we feel it was proposed without regard for the community.

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City of Austin
Neighborhood Planning and Zoning Department
Jerry Rusthoven
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission
August 23, 2007 City Council

☐ I am in favor
☒ I object

2007. 27 hely E. Bookman

Your Name (please print)

6507 GARDEN VIEW DR.

Your address(es) affected by this application

Hely E. Bookman

Signature

9/26/07

Date

Comments: (MU)

If you use this form to comment, it may be returned to:

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Neighborhood Planning and Zoning Department
Jerry Rusthoven
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

Sept 27

Maria P. Castellanos

Your Name (please print)

5301 Heritage Village Dr.

Your address(es) affected by this application

Maria P. Castellanos

9-26-07

Signature

Date

Comments: I object because as a parent I wouldn't like strangers coming into our neighborhood wandering around the streets and there's a risk of more accidents because of the liquor ~~store~~ being sold here and more traffic in and out I object for these reasons because I want my ~~home~~ neighborhood

like now nice clean and quiet - calm. I would or
If you use this form to comment, it may be returned to: like stores fast food restaurants but ~~no~~ liquor store or bar.

City of Austin

Neighborhood Planning and Zoning Department

Jerry Rusthoven

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C14-2007-0049

Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

Sept 27

Peter K. HAHN

Your Name (please print)

5208 Heritage Village Dr.
Austin, TX 78724

Your address(es) affected by this application

Peter K. Hahn

9-26-07

Signature

Date

Comments: The construction and establishment of this large alcohol serving facility is not in keeping with the City of Austin's sanction of Heritage Village - a safe, environmentally conscience residential neighborhood inhabited by young families with children. The potential for dangerous behavior by patrons is high and a definite threat to residents of the local neighborhoods. I am unalterably opposed to this project and invite other

If you use this form to comment, it may be returned to:

City of Austin

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P. O. Box 1088

Austin, TX 78767-8810

Kind of
Establishment
to open.
Peter Hahn

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Case Number: C14-2007-0049

Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

Sept 27

Dana Torlin

Your Name (please print)

6409 Garden View Dr

Your address(es) affected by this application

[Signature]

Signature

9/25/07

Date

☐ I am in favor
☒ I object

Comments: As a resident who lives very close to this development, I am strongly against this zoning. Our neighborhood already has issues w/ violence, including a drug related shooting, vandalism, theft. I am concerned that this will bring more of the same issues, by having the zoning change. The intention is also unsafe. ~~For~~ Drawing people w/ a club is not the way to improve a neighborhood. Thank you

If you use this form to comment, it may be returned to:

City of Austin

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Jerry Rusthoven

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Case Number: C14-2007-0049

Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

Sept 27

Dana Campbell

Your Name (please print)

6409 Garden View Dr, Austin, TX 787

Your address(es) affected by this application

[Signature]

Signature

Date

9/25/07

☐ I am in favor
☒ I object

Comments: We already have many problems w/ high police visits that are always related. There was a drug related shooting here. We're just a little over a year ago. The intersection at Peigan - at 7th/mk also already heavily congested and need me further traffic control w/out the added cost to light. Adding an establishment provides liquor to people in our neighborhood. Neighbor will only slowly make these changes. If you use this form to comment, it may be returned to: *[Signature]*

City of Austin

Neighborhood Planning and Zoning Department

Jerry Rusthoven

P. O. Box 1088

Austin, TX 78767-8810

NO INE

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2007-0049

Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

☐ I am in favor
☒ I object

257 Ashley Welch

Your Name (please print)

6317 Parliament Dr. Austin, 78722

Your address(es) affected by this application

Ashley Welch

Signature

Date

9/26/07

Comments: I strongly object to zoning that would allow for businesses such as night clubs & liquor stores in the strip center at 969, 183, & Regency St., for 2 reasons. (1) Regency is our entire neighborhood's sole entrance & exit from our homes, and that strip center is planning a driveway onto Regency, meaning that when we come home late at night, we will have no choice but to drive by potentially intoxicated walkers & drivers leaving the establishment, which is not safe.

(2) This is a quiet neighborhood w/ families & small children, and that's not for a night club or liquor store. If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jerry Rusthoven

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0049

Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

☐ I am in favor
☒ I object

Sep 27 Giovanni Carrasco

Your Name (please print)

6413 Gardenview Dr.

Your address(es) affected by this application

Giovanni Carrasco

Signature

Date

9/26/07

Comments: Please do not allow the ~~have~~ developers of Palms Square to ~~have~~ a liquor store and cocktail lounge in my neighborhood. I moved here to raise a family away from the myriad of concerns that come with these establishments. In addition to safety concerns, I am afraid of how this will affect the value of my home. Please keep zoning friendly in

If you use this form to comment, it may be returned to: my neighbor would.

City of Austin

Neighborhood Planning and Zoning Department

Jerry Rusthoven

P. O. Box 1088

Austin, TX 78767-8810

6/14-2007-0049

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

#99

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Case Number: C14-2007-0049

Contact: Robert Heil, (512) 974-2330

Public Hearing:

September 27, 2007 City Council

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Mary Forman

Your Name (please print)

6314 FM 969 Unit W1

Your address(es) affected by this application

Mary Forman

Signature

9/27/07

Date

Comments: I urge you to reject

the CS1 zoning request.

This area is residential with

many families. A liquor store

and night club are not appropriate

for this area. A family

friendly business would be

much better for this growing

residential area.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2007-0049

Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

☐ I am in favor
☒ I object

Terry Lime
Your Name (please print)

5304 King Charles Dr
Your address(es) affected by this application

Jerry Rusthoven *9/4/07*
Signature Date

Comments: So much traffic in the area, we need more space - need a night club.

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Jerry Rusthoven

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Austin, TX 78767-8810

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Contact: Jerry Rusthoven, 512-974-3207

Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

Beverly Solomon

Your Name (please print)

5414 King Henry Dr.

Your address(es) affected by this application

Beverly Solomon

Signature

Date

8/17/07

☐ I am in favor
☒ Object

Comments: We do not want a need a cocktail lounge in our neighborhood. We have enough liquor stores nearby. We need a Learning Center in our community & Belvoir Recreation & Education go together. They Ymc & serve up plenty of recreation. Now we need the Education to have a learning center to enhance our youth minds for the future.

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Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council

☐ I am in favor
☒ I object

Alina L. Dotts
Your Name (please print)

5206 King Charles L. Austin, TX 78704
Your address(es) affected by this application

Alina L. Dotts *8/20/07*
Signature Date

Comments:

This contact lounge will not enhance the quality of our neighborhood. It needs a business that will enhance the community and add quality to our neighborhood.

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August 23, 2007 City Council

☐ I am in favor
☒ I object

Olyvia Green
Your Name (please print)

5011 Regency Drive
Your address(es) affected by this application

Olyvia Green
Signature

Date

8-19-07

Comments: A Cocktail Lounge at the proposed location will further add to the traffic hazard that is now present at the corner of Regency Drive and 969. A further concern is that it will be within 500 ft. of 2 Churches

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Jerry Rusthoven

P. O. Box 1088

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Public Hearing:

July 24, 2007 Planning Commission

August 23, 2007 City Council



Josephine L. Crutcher

Your Name (please print)

5300 King Henry Dr.

Your address(es) affected by this application

Josephine L. Crutcher

Signature

8/21/07

Date

Comments:

Object to the rezoning of a liquor store and a cocktail lounge in the 969 strip.

If you use this form to comment, it may be returned to:

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☐ I am in favor
☒ I object

Barbara Pake

Your Name (please print)

6002 Garden View Dr

Your address(es) affected by this application

Barbara J. Pake

Signature

8-21-07

Date

Comments: I am opposed to a cocktail bar/club in the proposed area because it is not FAMILY friendly. Yes we would like more entertainment places in the area but not bars, clubs or cocktail establishments. Entertainment that the whole family can enjoy.

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☐ I am in favor
☒ I object

THOMAS M. COLLINS

Your Name (please print) *MATTIE W. COLLINS*

5013 REGENCY DR. AUSTIN, TX 78724

Your address(es) affected by this application

MATTIE W. COLLINS 9-4-07

Signature

Date

Comments:

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<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object
--

LAKISHA SANDOVAL

Your Name (please print)

6000 Gardenvue Dr Austin TX 78724

Your address(es) affected by this application

Lakisha Sandoval

Signature

Date

8/24/07

Comments:

If you use this form to comment, it may be returned to:

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Neighborhood Planning and Zoning Department

Jerry Rusthoven

P. O. Box 1088

Austin, TX 78767-8810

Closed Caption Log, Council Meeting, 09/27/07

Note: Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records or transcripts, please contact the City Clerk at 974-2210.

MAYOR WYNN: THEY SAT THROUGH A -- ITEM NO. 99, CORRECT, WE HAVE A NUMBER OF SPEAKERS, SO IF YOU COULD PRESENT THE CASE, MR. GUERNSEY.

VERY GOOD. CASE C14-2007, 0049 IS THE PALM SQUARE PROPERTY AT 6,004 WEBBER VILLE ROAD. THIS IS ITEM NO. 99. THIS IS A REZONING REQUEST FROM CV CO-NP, STANDS FOR JONES COMMERCIAL SERVICES CONDITIONAL OVERLAY, NEIGHBORHOOD PLAN TO CS-1 CO-NP, WHICH STANDS STANDS FOR COMMERCIAL LIQUOR, NEIGHBORHOOD PLAN COMBINED DISTRICT ZONING. THE REZONING REQUEST IS FOR AN AREA THAT'S ONLY JUST A LITTLE OVER HALF AN ACRE, TRACT 2 IS PROPOSED FOR CS-1 CO ZONING FOR ABOUT 6,000 FEET AND TRACT 3 FOR ABOUT 3,000 FEET. THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT APPROVAL OF THIS REQUEST. THE STAFF RECOMMENDATION WAS AGAIN TO LIMIT TRACT 2 TO 6,000, AND TRACT 3 TO 3,000. THE PROPERTY OWNER PLANS TO RENOVATE AN EXISTING SHOPPING CENTER BUILDING THAT WAS BUILT IN THE '80S AND THE BUILDING WAS CONSTRUCTED ONLY IN A SHELL FORM AND WAS NEVER FINISHED. ITS SIZE IS APPROXIMATELY 30,000 SQUARE FEET, AND CURRENTLY EXISTS ON THE PROPERTY. THERE WERE SOME PAD SITES THAT ALSO WERE THERE BUT THEY REMAIN UNBUILT. THE NORTHEAST CORNER OF ED BLUESTEIN AND FM 969. TO THE REAR OF THE PROPERTY ARE SOME EXISTING SINGLE-FAMILY HOMES ON SF-2 NP. FURTHER TO THE SOUTH OF THE INTERSECTION IS SOME CS AND CS-CO ZONING. FURTHER TO THE WEST ACROSS 183 IS CS-NP ZONING AND CS-CO-NP ZONING. THE APPLICANT HAS AGREED WITH THE ORIGINAL REQUEST TO PROHIBIT CERTAIN USES ASSOCIATED WITH THIS REZONING REQUEST, AND THOSE WOULD INCLUDE ADULT -- LET ME GO THROUGH ALL THESE USES. -- ADULT ORIENTED BUSINESSES, AUTOMOTIVE SALES, COMMERCIAL BLOOD PLASMA CENTER, CONVENIENCE STORAGE -- HANG ON HERE. EQUIPMENT SALES, VEHICLE STORAGE, AGRICULTURAL SALES AND SERVICE, CAMPGROUNDS, CONSTRUCTION SALES AND SERVICES, EQUIPMENT REPAIR SERVICES, KENNELS AND LIMITED WAREHOU DISTRIBUTION. THAT'S WHAT'S IN THE EXISTING CONDITIONAL OVERLAY THAT WAS APPROVED. AND WHICH IS PROPOSED AND RECOMMENDED FOR RETENTION. AND THESE WOULD BE CONDITIONAL LEASES.

I THINK I'LL PAUSE AT THIS TIME AND LET THE APPLICANT COME FORWARD. I KNOW THE APPLICANT HAS SPOKEN TO SOME OF THE PROPERTY OWNERS THAT ARE ADJACENT TO THIS TRACT. WHEN THE PROPERTY COMES BACK IN FOR REDEVELOPMENT THEY'LL HAVE TO GO TO THE SITE PLAN PROCESS. THE CONDITIONAL USE PERMIT FOR A COCKTAIL LOUNGE WOULD BE REQUIRED, WHICH MEANS A SITE PLAN WOULD GO BEFORE THE PLANNING COMMISSION FOR ITS APPROVAL WITH POSSIBLE APPEAL BY AN INTERESTED PARTY TO THE CITY COUNCIL. THE LIQUOR STORE THAT WAS PROPOSED FOR THE OTHER CS-1 PAD WOULD BE A PERMITTED USE AND WOULD NOT REQUIRE ANY APPROVAL BY THE PLANNING COMMISSION AND COULD BE APPROVED ADMINISTRATIVELY. THE ONLY OTHER THING I'LL NOTE IS THAT ORIGINALLY THE APPLICATION CAME IN AND ASKED FOR THE ENTIRE SHOPPING CENTER TO BE ZONED CS-1 AND THE APPLICANT HAS AGREED TO LIMIT THAT SQUARE FOOTAGE AGAIN TO 6,000 SQUARE FEET AND 3,000 SQUARE FEET PADS WITHIN THE EXISTING BUILDING OF CS-1 ZONING. MR. PHIL MCCOT IS HERE FOR THE APPLICANT.

MR. MCCOTA, WE WILL SET THE CLOCK FOR 5 MINUTES FOR YOUR FIRST PRESENTATION AND THEN WE'LL HEAR FROM FOLKS IN SUPPORT OF THE ZONING CASE. THEN WE'LL HEAR FOLKS IN OPPOSITION AND YOU HAVE A THREE-MINUTE REBUTTAL. WELCOME.

GOOD EVENING, MAYOR, COUNCIL MEMBERS. I'M PHIL MANCARA. I'M A REGISTERED AGENT FOR THE APPLICANT, AND I WAS KIND OF SURPRISED WHEN I GOT HERE TONIGHT THAT WE HAD ALL THIS OPPOSITION BECAUSE WE MET IN GOOD FAITH WITH THE CAVALIER NEIGHBORHOOD ASSOCIATION, AND THERE WERE ALSO MEMBERS FROM THE HERITAGE HILLS, I OBJECT, IS THE MAJORITY OF THE GROUP THAT'S HERE THIS EVENING TO TALK TO YOU-ALL. WHEN WE FIRST TALKED TO STAFF ABOUT REDEVELOPING A SITE THAT HAD BEEN ABANDONED FOR OVER 20 YEARS IN AN AREA THAT HISTORICALLY HAS LIMITED SERVICES AVAILABLE TO THE NEIGHBORHOOD, WE CAME IN WITH THE INTENTION OF DOING AND BUILDING A DEVELOPMENT THAT WAS GOING TO SERVE THE COMMUNITY PARTICULARLY THAT NEIGHBORHOOD GROUP, PEOPLE THAT LIVE IN THAT AREA, AND ALSO MEETING THE ELEMENTS THAT THE CITY WOULD WANT, WHICH WOULD BE MIXED USES. ORIGINALLY WHEN WE TALKED TO STAFF WE WERE LOOKING AT APPROXIMATELY 283,140 SQUARE FEET OF REZONING, WHICH IS ABOUT 6.5 ACRES IS WHAT THE SITE ENCOMPASSES. AFTER TALKING TO STAFF WE LOOKED AT THAT SHELL AND I NEED TO CLARIFY TWO THINGS BECAUSE I'M A LITTLE -- YOU'RE LISTING THE ADDRESS AT 6004 WHICH IS HOW WE ORIGINALLY SUBMITTED IT. CITY STAFF MADE A DETERMINATION THAT THE CORRECT ADDRESS SHOULD BE 6000, SO I THINK IT'S IMPORTANT TO MAKE EVERYONE AWARE OF THAT, AND THAT ACTUAL SHELL BUILDING IS ABOUT 31,500 SQUARE FEET OF EXISTING SPACE OUT THERE, AND OUT OF THAT SPACE STAFF ASKED US IF WE WOULD CONSIDER REDUCING THAT TO 9,000 SQUARE FEET, 6,000 FOR A COCKTAIL LOUNGE, 3,000 FOR LIQUOR SALES. TALKED TO MY OWNERS AND THEY -- THE DEVELOPERS --

THEY MORE THAN WILLINGLY AGREED TO DO THAT. THE SECOND THING THAT STAFF ASKED US TO DO WAS TO TRY TO LOCATE THESE PROPOSED BUSINESSES AS FAR AWAY FROM THE NEIGHBOR AS WE COULD, SO WE DID THAT AS WELL. IN ADDITION TO THAT THE POTENTIAL TENANTS THAT ARE GOING TO BE OCCUPYING THE SPACE AT THE COCKTAIL LOUNGE HAVE ALREADY ENTERED AND ARE NEGOTIATING TO HAVE BONDED LICENSED SECURITY GUARDS ON-SITE WHILE THE BUSINESS IS OPEN AND ALSO HIRE OFF DUTY POLICE OFFICERS TO PREVENT ANY TYPE OF LOITERING. THIS IS GOING TO BE MORE OF A CLUB WHERE SOMEONE CAN GO IN THE AFTERNOON. BOTH OF THE TENANTS THAT ARE GOING TO BE BUILDING THE CLUB ACTUALLY WORK AT DELL, SO THEY'RE GOING TO BE OFFERING SOME CLASSES THERE. THEY'LL ALSO BE OFFERING COMPUTERS THERE SO SOMEONE THAT MIGHT WANT TO HAVE AN AFTER WORK COCKTAIL AND STILL HAVE AN OPPORTUNITY TO GET ON THE INTERNET AND SOCIALIZE, THAT OPPORTUNITY IS GOING TO BE AVAILABLE. I'M HERE TO ANSWER ANY QUESTIONS THAT ANYONE MAY HAVE, BUT I DID HAVE AN OPPORTUNITY TO REVIEW AND I DON'T KNOW IF I CAN SPEAK TO THAT AT THIS TIME ABOUT SOME OF THE COMMENTS AND THE PEOPLE THAT WILL BE SPEAKING. AND I DON'T KNOW IF THEY HAVEN'T BEEN GIVEN ENOUGH INFORMATION, BUT WE ARE GOING TO HAVE OTHER THINGS THERE BESIDES JUST THE LIQUOR STORE AND COCKTAIL LOUNGE. WE'RE GOING TO BE PUTTING IN A BANK, AT LEAST THREE RESTAURANTS, NAIL SHOP, HAIR SALON, AUTO PARTS SALES, A HOME DECOR SALES OFFICE, PHONE SERVICE COMPANY TO PROVIDE THESE OPPORTUNITIES FOR PEOPLE TO LIVE IN THE AREA TO UTILIZE THOSE SERVICES. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

WE'RE AT THE INTERSECTION OF TWO MAJOR ROADWAYS, U.S. 183 AND MLK OR 969, WHICH IS THE TXDOT HAS CURRENTLY DONE IMPROVEMENTS THERE CURRENTLY TO ENHANCE THAT ROADWAY. SO I DON'T KNOW IF IT WOULD MAKE OR BREAK THE DEAL, BUT I DO KNOW THAT ONE THING WE HAVE ALREADY DONE, WE HAVE ALREADY COMPLETELY PRELEASED ALL 31,500 SQUARE FEET OF THAT EXISTING SHELL BUILDING, SO THEY'RE ALREADY INTO A LEGAL OBLIGATION WITH THESE PROPOSED TENANTS TO CONSTRUCT THE SHELL AND THEN PUT THEM IN THE LEASE SPACES.

I WOULD ASSUME THAT ANY AGREEMENT THAT THEY MADE TO ENTER INTO THIS LEASE SHOULD HAVE HAD A PROVISION THAT SAID YOU DON'T HAVE THE ZONING CATEGORY TO OPERATE AS A LIQUOR STORE OR A NIGHTCLUB. HOW COULD YOU SIGN A LEASE FOR A USE WHEN YOU DON'T HAVE THAT EXISTING USE.

LET ME LET THE OWNER SPEAK TO THAT. THANK YOU.

CITY COUNCIL, ALLOW ME TO JUMP IN BECAUSE I'M THE OWNER OF THE DEVELOPMENT. MYSELF, I CAME TO AUSTIN 11 YEARS AGO. MOTOROLA MOVED ME PROSECUTE NEW YORK TO AUSTIN AND I AM AT THE PLANT AT ED BLUESTEIN. I AM CLOSE TO THIS FACILITY, SO I AM VERY FAMILIAR WITH THE DEVELOPMENT THERE. FIRST I WANT TO ANSWER YOUR QUESTION. WE HAVE -- I MYSELF EXPERIENCED A

VERY HARDSHIP WHEN I WORKED FOR MOTOR LAYMENT AT LUNCHTIME I COULDN'T FIND ANY RESTAURANTS AROUND. ANY TIME I WENT TO HAVE LUNCH IT WAS A TWO-HOUR LUNCH. AND I CAN SEE THE NEIGHBORHOOD SURROUNDING THERE, THEY ARE VERY UNDERSERVED, EVEN BASIC COMMERCIAL SERVICE. AND WHEN WE DECIDE TO POOL OUR RESOURCE TOGETHER AND DEVELOP THE AREA, WE THINK THIS IS A VERY WONDERFUL OPPORTUNITY, FIRST TO RENEW AND MAKE THE WHOLE AREA LOOK VERY NICE. IT IS ACTUALLY CREATED OUT OF NECESSITY. WE POLICE THE PROPERTY AND WE HAVE A RESTAURANT ALREADY COME IN. WE HAVE NAIL SALON, PERSONAL SERVICE. WE HAVE CONVENIENCE STORE, GAS STATION. AND ONE OF OUR POTENTIAL TENANT COMING IN AND PUT IN THE REQUEST TO OPEN A LOUNGE. SO WE HAVE EXTENSIVE DISCUSSION WITH THIS POTENTIAL TENANT AND I ASKED THEM WHAT IS THE MAIN REASON WHY THEY WANTED TO GO THERE. AND TWO LADIES VERY COMMITTED TO SERVE THE COMMUNITY, AND THEY TOLD ME THAT THE NEIGHBORHOOD HERE NEED IT. WE HAVE A LOT OF (INDISCERNIBLE) SURROUNDING THE NEIGHBORHOOD HERE AND WE SEE THAT THERE'S A NEED FOR THAT. SO AFTER THAT THEN WE ALSO TOLD THEM THAT WE HAVE THE CS ZONING STATUS RIGHT NOW, SO FOR US TO BRING YOU IN WE HAVE TO APPLY FOR THE ZONING CHANGE AND THAT'S WHY WE ARE HERE TODAY. AND WE ASKED THE POTENTIAL TENANT TO GIVE US THE BUSINESS PLAN. AND I SEE IT'S VERY COMPREHENSIVE AND HAVE A LOT OF VALUE TO THE PEOPLE AROUND THERE. NUMBER BE ONE, THIS IS NOT JUST A DJ CLUB. I KNOW PEOPLE ARE COMING IN AND LOUD NOISE AND MUSIC AND GETTING DRUNK. THIS IS A PLACE FOR PEOPLE IN -- ELDERLY CLASS OR OLDER THAN 25 OR 30 YEARS OLD. AND THEY WANT TO PROVIDE A VERY PLEASANT ATMOSPHERE FOR PEOPLE TO RELAX AFTER WORK AND ALSO HAVE A CHANCE TO SOCIALIZE. I ASKED THEM ABOUT OPENING TIME, OPERATING TIME, AND THEY TOLD ME THAT THE MAIN BUSINESS FOR THE LOUNGE WILL BE AFTER WORK. DURING DAYTIME THEY HAVE OTHER ACTIVITY LIKE DANCE CLASS, COMPUTER CLASS AND MAYBE ALSO A BARTENDING CLASS. SO I CAN SEE THEY HAVE A LOT OF SERVICE --

McCracken: AND I APPRECIATE THAT. I DO. I UNDERSTAND THAT YOU'RE TRYING TO MAKE A VIABLE BUSINESS.

Martinez: MY QUESTION WAS COULD YOU MAKE A VIABLE BUSINESS WITHOUT A LIQUOR STORE AND ALCOHOL SALES WITHIN THIS DEVELOPMENT?

OH, THE CENTER SHOULD HAVE A LOT OF UPSIDE POTENTIAL. THIS IS ONE OF THE REQUESTS FROM A POTENTIAL TENANT. AND TO ME IT IS VERY MUCH UNFAIR FOR ME TO DENY A BUSINESS PERSON AND HAVE A GOOD PLAN AND THEY ALSO WOULD LIKE TO DO THAT. AND THAT GIVE US THE INTENTION TO TRY TO HELP THEM AND GO THROUGH THE ZONING REQUEST PROCESS.

Martinez: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS FOR OUR APPLICANT. COUNCILMEMBER KIM?

Kim: I GUESS THIS QUESTION IS FOR EITHER THE APPLICANT OR MR. MONCADA. I RECALL THAT THE CITY WAS LOOKING AT ACQUIRING THIS PROPERTY FOR STAGING FOR PUBLIC WORKS, FOR ITS STREET AND BRIDGE CREW, WHICH I DON'T CONSIDER TO BE THE HIGHEST AND BEST USE OF THIS PROCESS, BUT THAT WAS GOING FORWARD AND MOVING PRETTY FAST, AND IT WAS THEN THAT MR. VU CONTACTED ME AND SAID THAT I HAVE -- I'M LOOKING AT REAL ESTATE TENANTS FOR THIS MALL AND I REALLY NEED SOME HELP BEFORE YOU PUT IN THE STREET AND BRIDGE CREW FROM PUBLIC WORKS INTO MY PROPERTY. SO MR. MONCADA, CAN YOU GIVE US SOME BACKGROUND ON THAT.

I'LL BE MORE THAN HAPPY TO. AFTER WE CAME INTO THE CITY OF AUSTIN WITH OUR ORIGINAL SITE PLAN REQUEST AND ALSO REQUESTING A 1704 DETERMINATION BECAUSE OF THE SUBDIVISION, HAVING BEEN PLATTED BEFORE 85 AND ALSO THE SITE PLAN HAVING BEEN APPROVED IN 85 AND THEN CONSTRUCTION STARTED IN 86, THIS PARTICULAR DEVELOPMENT SAT OUT THERE FOR 21 YEARS. AFTER WE SUBMITTED OUR SITE PLAN TO THE CITY, I WAS APPROACHED BY REAL ESTATE AND WAS TOLD -- WASN'T ASKED, I WAS TOLD THAT THERE WERE.....THEY WERE GOING TO BE CONDEMN K THE PROPERTY BY EMINENT DOMAIN BECAUSE THEY HAD TO MOVE THE CURRENT STREET AND BRIDGE YARD FROM THE ROBERT MUELLER DEVELOPMENT WHICH HAD BEEN RELOCATED FROM THE MAC DEVELOPMENT OVER ON RIVER STREET. AND I'M NOT AN ATTORNEY, BUT I LOVE TO READ, AND SOMETHING I UNDERSTOOD IN EMINENT DOMAIN IN A SUPREME COURT CASE THAT CAME INTO THE STATE OF IOWA THAT I HAPPENED TO READ IN A REAL ESTATE MAGAZINE THAT WAS AT JENNIFER'S OFFICE, WHO IS MY OTHER CLIENT, IT SPECIFICALLY STATED THE ONLY WAY A CITY COULD EMINENT DOMAIN A SUBJECT PROPERTY WAS THAT IF IT WAS IN THE BEST INTEREST OF A COMMUNITY OR IF IT SERVED THE PUBLIC GOOD. THIS PARTICULAR REQUEST FROM STREET AND BRIDGE, PUBLIC WORKS, WAS SPECIFICALLY IN MY MIND SHOWING PREFERENCE ONE DEVELOPER OVER ANOTHER. AND I TOLD THEM THAT THAT WAS FINE, BUT WE WEREN'T JUST GOING TO GIVE UP THE PROPERTY BECAUSE WE HAD ALREADY INVESTED IN THE PROPERTY. WE ALREADY HAD SPENT MONEY ON ENGINEERING. WE HAD ALREADY HAD THE SLAB AND THE EXISTING BUILDING OUT THERE STRUCTURALLY TESTED TO MAKE SURE IT WAS SOUND, THE TILT WALL, THE SLAB. AND BASICALLY WE WERE MOVING FORWARD WITH OUR DEVELOPMENT. BUT NOT TRYING TO SLIGHT THE CITY, THEY HAD A QUANDARY AND ONE OF THE REASONS THEY WANTED THE PROPERTY WAS BECAUSE TXDOT HAD REQUESTED THEY RELOCATE A 16-INCH WATER LINE OUT OF THE NINE 73 RIGHT-OF-WAY -- 969 RIGHT-OF-WAY, BASICALLY RIGHT IN FRONT OF US. AND WHAT WE NEGOTIATED WITH THEM WAS WE WOULD BE MORE THAN HAPPY TO GIVE YOU AN EASEMENT TO RELOCATE YOUR WATER LINE AND WE DIDN'T SAY BUT YOU HAVE TO LET US DO OUR DEVELOPMENT, WE HAD AGREED TO DO THAT, BUT WE WANTED TO PROCEED WITH OUR DEVELOPMENT AND THAT'S WHERE WE'RE AT. TO FURTHER

ELABORATE ON COUNCILMEMBER MARTINEZ'S QUESTION, ONE OF THE THINGS THAT WE'RE NOT ALWAYS SURE OF, ESPECIALLY WITH SOMEONE THAT'S COMING IN TO DO DEVELOPMENT FOR THE FIRST TIME OR SECOND TIME IN AUSTIN, WE ARE NOT ALWAYS QUITE CLEAR ON WHAT ZONING IS PERMITTED AS FAR AS WHAT USES ARE PERMITTED BASED ON THE EXISTING ZONING. AND THAT MIGHT HAVE BEEN ONE OF THE REASONS THEY WENT ON AHEAD AND ENTERED INTO THIS LEASE. AND THEN AFTER THE FACT WE FOUND OUT AFTER DOING SOME RESEARCH THAT WE HAD TO REQUEST A REZONING. AND AT THAT POINT IN TIME WE REDUCED IT TO ONLY BASICALLY LIMIT US TO THAT PORTION OF THE WHOLE SITE, WHICH IS POSSIBLY LESS THAN THREE PERCENT OF THE WHOLE SITE AREA. IN ADDITION TO THAT, WE'RE ALSO GOING TO BE PUTTING A SIX-FOOT PRIVACY FENCE ALONG THE REAR OF THE PROPERTY, WHICH IS ALSO BASICALLY A CITY OF AUSTIN REQUIREMENT FOR SCREEN WHG YOU'RE ADJACENT TO SF-5 OR MORE RESTRICTIVE ZONING.

Mayor Wynn: THANK YOU, MR. MONCADA.

Mayor Wynn: BEGIN, YOU WILL HAVE A CHANCE TO REBUT IN A FEW MINUTES. NOW WE GO TO CITIZENS IN FAVOR OF THE ZONING CASE. JUDY SIGNED UP NOT WISH TO GO SPEAK IN FAVOR AND JOANNA HOUSE IS HERE TO ANSWER QUESTIONS IF NEED BE, BUT SHE IS IN FAVOR. WOULD YOU LIKE TO ADDRESS US NOW, MS. HOUSE? WELCOME. YOU WILL HAVE THREE MINUTES. WELCOME.

MAYOR, COUNCILMEMBERS, MY NAME IS JOANNA HOUSE. I'VE BEEN LIVING IN AUSTIN FOR APPROXIMATELY 10 YEARS. I WORK FOR DELL. I'VE BEEN AT DELL 10 YEARS. I WAS RECRUITED BY DELL. ALSO MY FRIEND JUDY, SHE'S BEEN AT DELL FOR EIGHT YEARS AND SO LIVING HERE I WAS LIKE, THERE'S NOTHING TO DO. THERE'S NOTHING TO DO FOR SOMEONE MY AGE. SO JUDY AND I HAD BEEN TALKING ABOUT IT, TALKING ABOUT IT, SO WE'VE BEEN DOING RESEARCH AND BACKGROUND AND GOING TO DIFFERENT CLUBS AND CHECKING OUT DIFFERENT THINGS FOR THINGS FOR PEOPLE TO DO OUR AGE. SO WE JUST DECIDED THAT WE WANTED TO OPEN UP THE LOUNGE. BUT I.. I WANT YOU TO UNDERSTAND IT'S NOT NECESSARILY A LOUNGE, BUT IT'S ALSO FOR OTHER THINGS. WE'LL HAVE BARTENDING CLASSES THERE, WE'LL HAVE BARTENDING CERTIFICATION THERE. WE'LL HAVE LITTLE LEAGUE THINGS THERE. LIKE, FOR INSTANCE, ALL MY FRIENDS WHOSE KIDS PARTICIPATE IN LITTLE LEAGUE, WE SPONSOR THE LITTLE LEAGUE. WE'RE ALSO GOING TO HAVE LIKE REUNIONS, CLASS REUNIONS, THINGS LIKE THAT. SO IT'S NOT NECESSARILY GOING TO BE A BAR, A CLUB OR SOMETHING LIKE THAT FNLT IT'S GOING TO BE SERVING OTHER PURPOSES. SO THAT'S WHY I'M HERE TO SAY THAT IT'S REALLY A GOOD IDEA AND IT'S GOOD FOR THE NEIGHBORHOOD. AND I KNOW A LOT OF PEOPLE THAT LIVE IN THE NEIGHBORHOOD AND HAVE BEEN LIVING IN THE NEIGHBORHOOD FOR LIKE 20 AND 30 YEARS THAT IS FOR IT. I'M SORRY THAT THEY'RE NOT HERE, BUT THEY'RE FOR IT. SO I JUST WANTED TO SAY THAT. AND IF YOU HAVE ANY QUESTIONS FOR ME, I'M OPEN.

Mayor Wynn: THANK YOU, MS. HOUSE. QUESTIONS FOR MS. HOUSE? I CAN SAY THAT I LIKE DOING THE RESEARCH BY GOING OUT TO CLUBS. NOW LET'S HEAR FROM FOLKS IN OPPOSITION OF THE ZONING CASE. OUR FIRST SPEAKER IS CHRISTINE ROBINSON. AND IS LEAH HUDDLESTON HERE? JUST RAISE YOUR HAND IF YOU'RE HERE, PLEASE. OUR RULES STATE YOU HAVE TO BE PRESENT IN THE CHAMBERS IN ORDER TO DONATE TIME. SHE WAS GOING TO DONATE TIME TO MS. ROBINSON. SO CHRISTINE, YOU WILL HAVE UP TO THREE MINUTE. MINUTES.

I AM THE PROUD HOMEOWNER AND RESIDENT IN HERITAGE VILLAGE. AT LEAST MOST OF YOU GUYS ARE FAMILIAR WITH HERITAGE VILLAGE AS WE ARE THE FIRST SMART COMMUNITY THAT WAS DEVELOPED IN AUSTIN. I WOULD LIKE TO EMPHASIZE THE FIRST LETTER OF THE ACRONYM SMART, MEANING SAFE. THAT IS VERY IMPORTANT TO US. COLLECTIVELY WE'VE BEEN CULTURING PRIDE AND RESPECT FOR OUR SUBDIVISION. OUR NEIGHBORHOOD IS VERY DIVERSE IN AGE, ECONOMIC MEANS, LIFE..... LIFESTYLES, FAMILY TIES AND ETHNICITY. I AM AGAIN SPEAKING ON BEHALF OF ALL OF OUR NEIGHBORS. I BELIEVE FOR THE ONES WHO AREN'T ABLE TO ATTEND, WE COLLECTED AT LEAST 13 WRITTEN FORMS SHOWING THEY'RE OPPOSITION IN ADDITION TO THE RESIDENTS OF HERITAGE VILLAGE THAT CAME OUT TO THE MEETING. I DID HAVE THE DISTINCT PLEASURE OF SERVING ON THE BOARD FOR TWO YEARS AND I GUARANTEE YOU EVERY DECISION THAT THE BOARD MAKES AND CONTINUES TO MAKE ARE NUMBER ONE TO PROMOTE THE COMMUNITY AND NUMBER TWO TO ENSURE THE SAFETY OF THE COMMUNITY. UNDERSTAND MY TIME WOULD BE BEST SPENT IF HI A BUNCH OF CHARTS AND GRAPHS AND COULD PROVE OUT STATISTICALLY TO YOU THE PROS OR CONS OF THIS DEVELOPMENT; HOWEVER, I'M NOT QUITE SURE HOW TO PLOT ON A GRAPH THE COMMUNITY'S PRIDE AND FEELING OF SAFETY. SO I WANT TO PRESENT YOU WITH SOME OF THE MORE PERSONAL OR SUBJECTIVE COMMENTS. WE'VE WORKED REALLY HARD THE PAST THREE YEARS AND WE FOUGHT DILIGENTLY. WE DO NOT SUPPORT THE CS-1 ZONING FOR THE FOLLOWING REASONS. NUMBER BE ONE, SFWRAIMENT. IF ENTERTAINMENT ACTUALS BAR BURILY BECAUSE WE'RE IN EAST AUSTIN, THAT IS AN INSULT TO OUR COMMUNITY. WE LIKE TO SUPPORT ESTABLISHMENTS THAT CAN BETTER OUR COMMUNITY, GIVE OUR TEENS AND CHILDREN AN TOWNT HAVE MORE EXPERIENCES THAT ARE LOCATED WITHIN OUR DISWISMGHTS THERE IS A MEGA SIZE BAR ALREADY LOCATED ON DECKER LANE, WHICH IS 2.7 MILES FROM THE PROPOSED SITE. IN ADDITION TO THAT, AND APPROXIMATELY A MILE AWAY DOWN 969 THERE ALREADY EXISTS A PACKAGE LIQUOR STORE. SO OBVIOUSLY THE SUBDIVISIONS DON'T HAVE AN ADDITIONAL NEED FOR THESE TYPES OF ESTABLISHMENTS. NUMBER TWO IS SAFETY. REGENCY DRIVE, WHICH IS RIGHT NEXT TO THE PROPOSED ESTABLISHMENT, THEY'RE PROPOSING ALSO HAVING A DRIVEWAY THAT COMES OUT ON REGENCY. IT IS OUR ONLY ENTRANCE INTO AND EXIT OUT OF NOT ONLY HERITAGE VILLAGE, BUT ALSO CAVALIER PARK. WE ARE VERY CONCERNED AND AS THE MOTHER OF THREE EVERY TIME I HAVE TO ENTER THE NEIGHBORHOOD THAT WE WILL HAVE NOW WE'VE LEARNED AFTERNOON PATRONS THAT COULD POSSIBLY BE INTOXICATED WHICH

ADDS TO MY SENSE OF SAFETY AND CONCERN. WE'RE ALSO CONCERNED WITH THE BUS STOP ON REGENCY. [BUZZER SOUNDS] IS MY TIME UP?

...

Mayor Wynn: IT IS. GO AHEAD AND CONCLUDE YOUR LAST THOUGHT THERE.

IS THERE ANYONE THAT COULD DONATE ON THE SPOT?

Mayor Wynn: SOME OF THE FUTURE SPEAKERS, IF THEY WILL LIKE TO DONATE THEIR THREE MINUTE, THEY'RE WELCOME BE TO DO THAT IF THEY GIVE US THEIR NAME. FRD.

[INAUDIBLE - NO MIC].

Mayor Wynn: YES, MA'AM. I COULD TAKE YOU OFF THAT PERSON AND PUT YOU WITH CHRISTINE. WHAT'S YOUR NAME?

[INAUDIBLE - NO MIC].

Professor: OKAY. YOU WILL HAVE THREE MORE MINUTES --

Mayor Wynn: OKAY. YOU WILL HAVE THREE MORE MINUTES.

THANK YOU. THE OTHER CONCERN IS THE BUS STOP LOCATE ODD REGENCY, WHICH WAS NOT IT MENTION AND THE DEVELOPMENT RELIGIOUS. SO IF THEY ARE CONTROLLING THE LOITERING PROBLEM OUTSIDE THE ESTABLISHMENT, THEY HAVE NO CONTROLS FOR THOSE THAT ACCESS PUBLIC TRANSPORTATION. SO WE FEEL LIKE THIS IS THERE IS THE POTENTIAL FOR THE LOITERING ISSUE TO TAKE PLACE AROUND THE BUS STOP DOWN REGENCY DRIVE WHICH IS DOWN INTO CAVALIER PARK AND HERITAGE VILLAGE. THINGS SUCH AS THE CRIME INCIDENTS, ALCOHOL RELATED INCIDENTS THAT OCCUR IN A SUBDIVISION THAT ARE DIRECTLY ATTRIBUTE..... ATTRIBUTABLE TO A BAR PROBABLY CAN'T BE STATISTICALLY QUANTIFIED. SO ALTHOUGH AMAZING SUBJECTIVE, OUR SENSE OF SAFETY IS NO LESS REAL. NUMBER THREE, THE VALUE. WE DO SUPPORT ESTABLISHMENTS THAT CREATE ENOUGH VALUE FOR OUR SPECIFIC NEEDS AND COMMUNITY GOALS. WE CANNOT AFFORD, THOUGH, TO HAVE AN ESTABLISHMENT THAT DETERS FROM THAT VALUE AND COULD BE POTENTIALLY DEVASTATING TO OUR COMMUNITY. NUMBER 4, POSITIVE IMPACT. AGAIN, WE WOULD LIKE TO SEE AN ESTABLISHMENT OF POSITIVE THINGS FOR OUR CHILDREN. WE CONSTANTLY DRIVE TO SET GOOD ROLE MODELS AND LEAD BY EXAMPLE, SO A BAR WOULD NOT BE IN LINE WITH THAT. IN CONCLUSION, I URGE YOU NOT TO VOTE IN FAVOR OF THE CS-1 ZONING AND TAKE ARN THE SAFETY FROM OUR SMART NEIGHBORHOOD. BEING A MERE SMART COMMUNITY IS NOT WHAT THE

HOUSING DEVELOPERS HAD IN MIND WHEN THEY BUILT OUR SUBDIVISION. PLEASE SHOW THAT HAVE YOU THE FORESIGHT AND SUBDIVISION TO KEEP OUR SUBDIVISION SAFE AND VOTE NO AND CONTINUE TO SUPPORT OUR SMART COMMUNITY. THANK YOU VERY MUCH. BE.

Mayor Wynn: THANK YOU.

WILL..... WILL THERE BE QUESTIONS?

Mayor Wynn: QUESTIONS? THANK YOU, MA'AM. OUR NEXT SPEAKER IS CLIFFORD MAY. [APPLAUSE] WELCOME MR. MAY. LET'S SEE, IS JOEY PETTY HERE? HI. HOW ABOUT NANCY.. MCCLAIN? HI NANCY. AND MANDY WADE. WELCOME. SO CLIFFORD, YOU WILL HAVE UP TO 12 MINUTES IF YOU NEED IT. WELCOME BE.

OKAY. THANK YOU. MY NAME IS CLIFFORD MAY AND GOOD EVENING MAYOR WYNN AND CITY COUNCILMEMBER. MY NAME IS AT 5300 HERITAGE VILLAGE DRIVE. I AND ALL MY NEIGHBORS HAVE NO ALTERNATIVE WHEN LEAVING OUR NEIGHBORHOOD, NO CHOICES BUT TO DRIVE PAST AT LEAST ONE OF THE ENTRIES TO PALM SQUARE. THE DEVELOPERS MET WITH CAVALIER PARK NEIGHBORHOOD ASSOCIATION AWHILE BACK, OSTENSIBLY TO TELL US THEIR PLANS FOR PALM SQUARE. THEY DISCUSSED THE RESTAURANT AND AUTO PARTS STORE, NAIL SALON, HAIR CARE, BANK, OFFICES, ETCETERA, AND ONLY ONE STORE OR USE THAT NEEDS CS-1 ZONING, LIQUOR STORE. NO MENTION WAS MADE OF A COCKTAIL LOUNGE OR NIGHTCLUB. I WAS SHOCKED AT THE PLANNING AND ZONING COMMISSIONERS MEETING, THE PUBLIC HEARING, THAT A 6,000 SQUARE FOOT COCKTAIL LOUNGE WAS DESIRED, COCKTAIL LOUNGE, NIGHTCLUB OR BAR. AND I SAID SO WHEN I SPOKE THAT I WAS SHOCKED TO HEAR ABOUT THAT. PHIL MONCADA LATER GAVE A RESPONSE AND BE SAID NO MENTION HAD BEEN MADE OF WHETHER THERE WOULD OR WOULDN'T BE A BAR, COCKTAIL LOUNGE OR SOMETHING LIKE THAT DURING THE NEIGHBORHOOD MEETING, WHICH I HAD BELIEVED WAS TO TELL US WHAT THEY HAD PLANNED. WELL, I DID TELL PHIL MAINTAIN CAD DA AFTERWARDS THAT I WOULD LET MY NEIGHBORS KNOW AND THAT I WISHED THEM A SUCCESSFUL DEVELOPMENT WITHOUT CS-1 ZONING. EIGHT OF MY NEIGHBORS IN CAVALIER PARK HAVE GIVEN ME THEIR HEART FELT COMMENTS FOR THIS PUBLIC HEARING. OBJECTING BARBARA POKE. I AM OPPOSED TO A COCKTAIL LOUNGE, BAR CLUB IN THE PROPOSED AREA BECAUSE IT IS NOT FAMILY FRIENDLY. YES, WE WOULD LIBRARY MORE ENTERTAINMENT PLACES IN THE AREA, BUT NOT BARS, CLUBS OR COCKTAIL ESTABLISHMENTS. ENTERTAINMENT THAT THE WHOLE FAMILY CAN ENJOY. OBJECTING, JOSEPHINE CRUTCHER. AND THESE ARE IN CAVALIER PARK. I OBJECT TO THE PROPOSAL OF A LIQUOR STORE AND A COCKTAIL LOUNGE IN THE 969 STRIP. OBJECTING, OLIVIA GREEN, 5011 REGENCY DRIVE. IT'S NOT FAR FROM THE ENTRY. A COCKTAIL LOUNGE AT THE PROPOSED LOCATION WILL FURTHER ADD TO THE TRAFFIC HAZARD THAT IS NOW PRESENT AT THE CORNER OF REGENCY DRIVE AND 969. A FURTHER CONCERN IS THAT IT WILL BE WITHIN 500 FEET OF TWO

CHURCHES. OBJECTING, NINA BATTS. THIS COCKTAIL LOUNGE WILL NOT ENHANCE THE QUALITY OF OUR NEIGHBORHOOD WE NEED A BUSINESS THAT WILL ENHANCE THE COMMUNITY AND ADD QUALITY TO OUR NEIGHBORHOOD. OBJECTING, BEVERLY SOLOMON, 5414 KING HENRY DRIVE. WE DO NOT WANT OR NEED A COCKTAIL LOUNGE IN OUR NEIGHBORHOOD. WE HAVE ENOUGH LIQUOR STORES NEARBY. WE NEED A LEARNING CENTER IN OUR COMMUNITY. I BELIEVE RECREATION AND EDUCATION GO TOGETHER. THE YMCA SERVES UP PLENTY OF RECREATION. NOW WE NEED THE EDUCATION LAB OR LEARNING CENTER TO EXERCISE OUR YOUNG MINDS FOR THE BETTER. OBJECTING, TERRY (INDISCERNIBLE), 5304 KING CHARLES DRIVE. SO MUCH TRAFFIC IN THE AREA, WE NEED MORE SPACE. WE DON'T NEED A NIGHTCLUB. OBJECTING, TALLFORD M. COLINS, REGENCY DRIVE. AGAIN, VERY NEAR THE ENTRY. AND ALSO OBJECTING, LAKEISHA SAN DO VALUE, 60 GARDEN VIEW DRIVE. A NINE THE PERSON HAS ALSO GIVEN ME THEIR COMMENTS IN OPPOSITION. MARY COREMAN, MARY'S PLANNING A NEW HOME A BLOCK AWAY ON 969. I URGE YOU TO REJECT THE CS-1 ZONING REQUEST. THIS AREA IS RESIDENTIAL WITH MANY FAMILIES, A LIQUOR STORE A NIGHTCLUB ARE NOT APPROPRIATE FOR THIS AREA. A FAMILY FRIENDLY BUSINESS WOULD BE MUCH BETTER FOR THIS GROWING RESIDENTIAL AREA. SO I'LL GIVE ALL OF THESE SIGNED COMMENTS TO STAFF IN JUST A MOMENT. MYSELF AND ALL MY NEIGHBORS HAVE NO ALTERNATIVE -- OH. OKAY. YONT TO.....I DON'T WANT TO REPEAT MYSELF. I REGARD PALM SQUARE AS THE GATEWAY TO MY NEIGHBORHOOD AND THE LIQUOR STORE OR NIGHTCLUB IMAGE THAT CS-1 ZONING WILL GIVE US IS NOT THE WHOLE SOME FAMILY IMAGE WE WANT. AND THOSE AREN'T THE SERVICES WE WANT. I LIVED NEXT TO A LIQUOR STORE ON GUADALUPE STREET FOR OVER 15 YEARS JUST UP AT 33rd AND 34TH UNTIL I MOVED A FEW MONTHS AGO. DESPITE MY NEIGHBORS THERE ON GUADALUPE AND 33rd AND 34TH, WE ALL USED ALL APPROPRIATE MEANS TO DEAL WITH PROBLEMS THAT WERE PER PER REN NELLIE COMING FROM LIVING NEXT TO A LIQUOR STORE. PEDESTRIANS WOULD VISIT THE STORE, THEN COME AND VISIT US. AND THE REALLY NICE ONES JUST LEFT US REPSYCHABLES. -- RECYCLABLES. OTHERS INSISTED ON PROLONGED VISITS IN THE SHRUBBERY. THEY WANTED TO INSPECT OUR LANDSCAPING UP CLOSE AND PERSONAL. I WON'T GO INTO THE DETAIL. THE PROBLEM JUST NEVER WENT AWAY. OKAY. AS YOU HEARD, WE'RE A SMART HOUSING DEVELOPMENT. WE HAVE 11 HABITAT FOR HUMANITY HOMES AND HABITAT FREQUENCY BRINGS OUT TOUR BUSS TO SHOW PEOPLE OUR COMMUNITY. THEY'RE VERY PROUD OF IT. WE ARE TOO. WE PICK UP TRASH, WE TAKE CARE OF OUR YARDS. WE'RE WORKING HARD AND WE ASK YOU TO HELP US BE A FAMILY NEIGHBORHOOD WITH THAT IMAGE. THANK YOU. [APPLAUSE]

Mayor Wynn: MR. GUERNSEY CAN PASS IT AROUND FOR US. THANK YOU. HE.....ELSA. IS SHAUN HERE? ELSIE, YOU WILL HAVE UP TO SIX MONTHS MINUTES IF YOU NEED IT. AND YOU WILL BE FOLLOWED BY DAVID SANFORD.

GOODNIGHT. I AM ELSA (INDISCERNIBLE). I AM A MOTHER OF THREE YOUNG BOYS AND I LIVE IN HERITAGE VILLAGE. IT IS A WONDERFUL PLACE. I MOVED ONE YEAR AGO

THERE. I WANT TO SPEAK TONIGHT TO YOU NOT JUST ON BEHALF OF MYSELF, I WANT TO SPEAK TO YOU ON BEHALF OF MY FAMILY, OF MY NEIGHBORS AND OF MY COMMUNITY. I REALLY THINK THAT THESE COMMUNITIES LIKE OURS DON'T NEED ANYTHING BAD. WE NEED HEALTH, WE NEED GOOD EXAMPLE, WE NEED A LOT, A LOT OF DEDICATION. I BELIEVE IN EDUCATION. I'M A TEACHER. AND I THINK THAT THIS DEVELOPMENT IS WONDERFUL. WHEN I BOUGHT THIS HOUSE I SAW THIS PLACE AND I SAID IT IS GOOD IF WE HAVE SOME RESTAURANTS, SOME STORES, CONVENIENCE STORES, BUT NOT A BAR. I REALLY THINK THAT WE DON'T NEED THAT EXAMPLE. WE NEED SOMETHING ELSE. I'M AGAINST THE CONSTRUCTION OR THE DEVELOPMENT OF THE LIQUOR STORE AND ALSO THE DEVELOPMENT OF THE BAR. I THINK THAT WE NEED SOMETHING ELSE, NOT JUST DRUNK OR UNSAFETY PLACES. AND ALSO I WANT TO ADDRESS THAT IT IS ONLY ONE STREET THAT WE CAN GO TO OUR HOUSE. MY KIDS SOMETIMES CAME LATE IN THE NIGHT OR I WALK -- BECAUSE I WORK DOWNTOWN AREA AND I TOOK THE BUS. AND I HAVE TO WALK. AND I DON'T WANT TO BE IN NOT A SAFE PLACE. IT IS NOT SAFE NOW BECAUSE WE DON'T HAVE SIDEWALKS, BUT WE NEED SOMETHING ELSE. WE NEED REALLY YOUR ATTENTION TO THIS PLACE. WE ARE WORKERS, WE ARE HARD WORKERS. IF YOU CAN VISIT US, YOU CAN SEE THAT WE ARE REALLY TRYING TO DO OUR BEST IN OUR NEIGHBORHOOD. WE ARE NOT TRYING TO HARM ANYONE. AND WE JUST WANT TO -- THAT YOU CONSIDER THESE. I TALK TO YOU ABOUT SAFETY AND ABOUT HELPING. AND WE REALLY NEED YOUR ATTENTION TO THIS PLACE. IT IS OUR HOPE THAT WE HAVE PLACES TO BE, TO BE ENTERTAINED, THAT WE DON'T NEED THIS KIND OF ENTERTAINMENT. AND I REALLY WANT TO SPEAK THIS NIGHT TO YOU AND TO TOUCH YOUR HEARTS AND TO -- THAT YOU CAN LISTEN TO US. THAT WE'RE NOT TRYING TO STOP THE DEVELOPMENT BECAUSE WE KNOW THAT THE CITY IS GROWING, BUT WE WANT SOMETHING DIFFERENT, SOMETHING BETTER FOR OUR FAMILY AND OUR HOUSES. THANK YOU SO MUCH. [APPLAUSE]

Mayor Wynn: THANK YOU. OUR FINAL SPEAKER IN OPPOSITION IS DAVID SANFORD. WELCOME, DAVID. LET'S SEE, IS ARISTA HERE? CAROL ZWIKKER? MY. AND RICHARD LOW WEN THAT WILL. SO YOU WILL HAVE UP TO 12 MINUTES IF YOU NEED IT AND YOU WILL BE FOLLOWED BY THE REBUTTAL BY MR. MONCADA.

I'M NOT SURE I NEED THAT MUCH. GREETINGS, MAYOR, COUNCILMEMBERS. FIRST I WANT TO SAY THAT I REALLY WANT THE PALM SQUARE DEVELOPMENT TO GO FORWARD AND I WANT IT TO BE SUCCESSFUL. AND BE EVERYTHING OTHER THAN THE CHANGE -- AND EVERYTHING OTHER THAN THE CHANGE IN ZONING I THINK IT SHOULD BE. SO I THINK ANYTHING THAT THE NEIGHBORHOOD CAN DO TO MAKE THAT SUCCESSFUL OTHER THAN APPROVE THE ZONING WOULD BE A GOOD THING. I THINK THAT OBVIOUSLY IF ALL THE SLOTS ARE PRELEASED, THEN THERE PROBABLY ISN'T A PROBLEM IN MOVING FORWARD WITH THE DEVELOPMENT WITHOUT THE LIQUOR STORE AND WITHOUT THE BAR. I THINK PROBABLY THIS IS A SUCCESSFUL COMMERCIAL VENTURE AND CAN WORK AND I THINK PEOPLE IN THE NEIGHBORHOOD WANT IT TO WORK BECAUSE IT WOULD BE MUCH BETTER TO HAVE THAT

DEVELOPMENT THERE, AGAIN, WITHOUT THE LIQUOR STORE AND WITHOUT THE BAR, BUT THEN THAN WHAT'S THERE NOW. SO I WANT TO SUPPORT THE DEVELOPMENT, BUT I WENT TO ONE MEETING WHERE THERE WAS INDEED PRESENTATION BY THE DEVELOPERS. I PERSONALLY DIDN'T HEAR ANYTHING DISCUSSED ABOUT THE LIQUOR STORE OR THE BAR. IT WASN'T EMPHASIZED. I CAME A LITTLE BIT LATE, SO I MUST HAVE MISSED IT. I TALKED TO OTHER PENAL AT THE MEETING AND THEY DIDN'T HEAR OR RECOGNIZE THAT THAT HAD BEEN DISCUSSED. SO THERE MAYBE HAS BEEN NOT FULL COMMUNICATION. THERE HAS BEEN A MEETING SINCE THAT POINT WHERE THERE WERE 25 PEOPLE WHO CAME TO A MEETING ROOM AT THE YMCA IN OPPOSITION TO THE LIQUOR STORE AND THE BAR. SOME OF THOSE PEOPLE ARE HERE TONIGHT, SOME AREN'T. AND I THINK ONE OF THE OTHER ITEMS -- I SHOULD SAY THAT I'M GOING TO LIVE THERE. I DON'T LIVE THERE NOW, BUT I'M A LANDOWNER. I WILL BE LIVING ON 6314 FM 969, SO I'M LOOKING FORWARD TO MOVING INTO THAT NEIGHBORHOOD. THE OTHER THING IS THAT ONCE YOU CHANGE THE ZONING, YOU CAN'T CHANGE BACK. SO WHATEVER THE -- IT'S VERY HARD TO CHANGE IT BACK IN ANY CASE. SO REGARDLESS OF THE INTENTIONS OF THE DEVELOPER TO HAVE THE KIND OF LIQUOR STORE, BE THE KIND OF BAR THAT WOULD NOT BE A BLIGHT ON THE NEIGHBORHOOD, I AM OPPOSED TO THE ZONING CHANGE FOR THAT REASON BECAUSE WHO KNOWS WHAT HAPPENS LATER? WHO KNOWS WHO IT GETS SOLD TO? THINGS CAN CHANGE. AND ONCE THE ZONING CHANGE OCCURS, THAT MAKES IT AWFUL HARD. I HAVE IN FRONT OF ME THE EAST MLK COMBINED NEIGHBORHOOD PLANNING AREA VISION AND GOAL STATEMENT AND I KNOW THAT GOAL 2 IS TO PROMOTE A MIX OF LAND THAT RESPECTS AND ENHANCES THE EXISTING NEIGHBORHOOD AND ENHANCES COMPATIBILITY BETWEEN THE NEIGHBORHOOD AND EXISTING INDUSTRIAL COMMERCIAL AREAS. WE WANT TO CREATE THAT RESPECT BETWEEN COMMERCIAL AND RESIDENTIAL, BUT I THINK IT WILL HELP WITH THE RESPECT IF THERE'S NOT A LIQUOR STORE OR A BAR THERE. AND I NOTICED GOAL 10 ON THAT TALKS ABOUT ADDRESSING NEIGHBORHOOD SECURITY BY REDUCING ILLEGAL AND DANGEROUS ACTIVITIES AND IMPROVING THE SENSE OF PUBLIC SAFETY, AND I THINK THESE -- A BAR AND A LIQUOR STORE DON'T DECREASE THE SAFETY AS OTHERS HAVE SPOKEN TO. I'VE LOOKED AT THE SITE PLAN AND THERE ISN'T A LOT OF ROOM, SPACE BETWEEN THE COMMERCIAL DEVELOPMENT AND THE RESIDENTIAL. THERE'S -- IT'S REALLY -- THIS REALLY BACKS RIGHT UP TO IT. AND WITH THE ROAD GOING INTO AND OUT OF THERE, I SEE A LOT OF TRAFFIC. I SEE A LOT OF TRAFFIC, CAR TRAFFIC. I SEE A LOT OF PEDESTRIAN TRAFFIC. AND IF A LOT OF THAT -- THE PEOPLE WHO ARE DRIVING THOSE CARS ARE FOR THAT MATTER WALKING HAVE DRUNK A LOT OF ALCOHOL, IT CAN'T BE GOOD FOR THE NEIGHBORHOOD. SO THAT'S ONE THING. I NOTICED IN FACT ONE OF THE THINGS THAT THE DEVELOPERS SAY IS THAT THEY WANT TO ENHANCE THE PEDESTRIAN TRAFFIC IN AND OUT OF THAT AREA. AND I LIKE THAT IDEA DEPENDING UPON THE NATURE OF THAT PEDESTRIAN TRAFFIC, BUT THERE'S PEDESTRIAN TRAFFIC THAT WOULDN'T BE GOOD FROM MY PERSPECTIVE. I GUESS THAT'S REALLY ALL I HAVE TO SAY. I REALLY WANT THE DEVELOPMENT TO GO FORWARD. I WANT TO SUPPORT YOU DEVELOPERS IN MAKING THAT HAPPEN, BUT I

REALLY DON'T WANT A LIQUOR STORE OR BAR THERE. AND ANYTHING THAT -- I THINK I SPEAK FOR OTHER PEOPLE IN THE NEIGHBORHOOD BE, ANYTHING THAT WE CAN HELP TO MAKE IT MOVE FORWARD WITHOUT THAT, WE'D BE HAPPY TO DO. BUT -- YEAH. THOSE ARE NOT THINGS WE WANT. THANK YOU.

McCracken: THANK YOU, SIR. [APPLAUSE]

McCracken: THE MAYOR HAS HAD TO STEP OFF THE DAIS ABOUT 15, 20... 20 MINUTES. WE'VE CONCLUDED ALL THE SPEAKERS AND WE'LL SNOW A THREE-MINUTE REBUTTAL FROM MR. MONCADA OR THE APPLICANT.

CITY COUNCILMEMBERS, I HIGHLY RESPECT THE OPINION OF THE NEIGHBORHOOD. I TALKED TO ONE OF THEM JUST BEFORE WE COME HERE, COMING TO THIS MEETING ROOM, AND SHE ASKED US ONE QUESTION. THERE'S A LIQUOR STORE JUST ONE MILE DOWN THE ROAD. WE DON'T NEED ANOTHER ONE HERE. AND I ALMOST WANT TO ASK HER, YOU ALSO HAVE A CONVENIENCE STORE DOWN THERE. WHY EVERYBODY APPLAUD TO PUT ANOTHER CONVENIENCE STORE HERE? THAT IS ONE THING. THE OTHER THING IS ABOUT SAFETY. THIS IS A CORNER -- ON THE CORNER OF A HIGHWAY, SO WE HAVE TWO MAIN ENTRANCE. ONE IS ON THE RAMP OF 183, BE SWUN ON THE MAIN ENTRANCE, GO FROM 969. THE REGENCY DRIVE IN, WE INTEND TO USE FOR THE SERVICE IN THE BACK OF THE BUILDING FOR SAFETY, FOR FIRE, FOR GARBAGE PICKING UP. SO THOSE ARE MAINLY NOT THE MAIN ASSET OF THE WHOLE DEVELOPMENT. AND WE HIGHLY RESPECT THE OPINION AND WE WANT TO SERVE THE NEIGHBORHOOD ALSO. THE DILEMMA WE HAVE HERE IS THAT THERE'S OTHER PEOPLE ALSO COME TO US LIKE MY TENANT AND SAY THERE'S A LOT OF PEOPLE LEAVING THE NEIGHBORHOOD AND ACTUALLY ASKING US TO HAVE THIS ESTABLISHMENT SO THEY CAN HAVE A NICE AND SAFE PLACE TO GO THERE AND RELAX. SO WE HAVE A LOT OF REQUESTS COME FROM MULTIPLE DIRECTIONS. AND WE -- OUR GOAL HERE IS WE WANT TO PROVIDE A COMMERCIAL CENTER THAT WILL BENEFIT AND SERVE THE COMMUNITY. THE COMMUNITY RIGHT NOW IS EXTREMELY UNDERSERVED. THANK YOU.

McCracken: THANK YOU, SIR.

I STILL HAD A FEW MINUTES, COUNCILMEMBER. I JUST WANTED TO RESPOND TO A COUPLE OF THE COMMENTS THAT WERE MADE. AS FAR AS ONE OF THE CITIZENS STATING THAT THERE WERE CHURCHES WITHIN 500 LINEAR FEET OF THE SITE, I BELIEVE CITY STAFF HAS ALREADY MADE A DETERMINATION THAT THOSE WERE GREATER THAN 500 FEET OR WE WOULD HAVE MAYBE HAD ANOTHER ISSUE. THE OTHER THING I DIDN'T MENTION TO YOU ALL IS THAT WE'RE.....WE'LL ALSO BE ADDRESSING A DRAINAGE ISSUE THAT'S CURRENTLY OCCURRING WITH RUNOFF FROM THAT SITE RUNNING DOWN ON TO REGENCY WITH THE CONSTRUCTION OF A RETAINING WALL THAT'S SHOWN ON OUR SITE PLAN. AND WE'LL ALSO BE DOING

DETENTION ON OUR SITE. WE WANT -- I WANT TO CLARIFY I'M NOT A DEVELOPER, I'M JUST A PERMIT EXPEDITOR. WE WANT TO WORK WITH THE NEIGHBORHOOD, SO I RESPECTFULLY WOULD REQUEST THAT COUNCIL WOULD CAMPAIGN INTRAIN POSTPONING THIS ITEM TO GIVE US AN OPPORTUNITY TO VISIT WITH THIS NEIGHBORHOOD GROUP, BUT WOULD ASK THAT THEY CONSIDER PUTTING US ON THE NEXT COUNCIL AGENDA SO WE'RE NOT DELAYING OUR PROCESSING BECAUSE WE WANT TO CONTINUE WITH OUR DEVELOPMENT. AND WHEN YOU LOOK AT THE OVERALL SITE, YOU'LL SEE THAT THIS TOTAL -- NOW I BELIEVE WHAT WE'RE HEARING IS WE'RE ONLY LOOKING AT THE 6,000 SQUARE FEET THAT'S AN ISSUE. [BUZZER SOUNDS] TWOAPT HAVE AN OPPORTUNITY TO TRY TO RESOLVE THAT WITH THEM AND ADDRESS SOME OF THEIR CONCERNS.

McCracken: THANK YOU. I GUESS THE SUGGESTION REAL QUICK IS TO CLOSE THE PUBLIC HEARING AND COME BACK ON OCTOBER 12TH WOULD BE OUR NEXT MEETING. COUNCILMEMBER LEFFINGWELL?

I'VE GOT A QUESTION FOR MR. MONCADA FIRST. I BELIEVE YOU SAID THAT THIS PARTICULAR CENTER HAD BEEN EMPTY FOR A NUMBER OF YEARS.

SINCE 1986, SIR.

Leffingwell: AND THE ZONING THAT'S ON IT RIGHT NOW IS, WHAT, CS?

CS-MU-NP. IT'S ALREADY COMMERCIALY ZONED AND SO IS EVERYTHING IN THE ADJACENT SURROUNDING AREA.

Leffingwell: SO TO ME THAT SUGGESTS THAT WITHOUT A CHANGE IN ZONING IT'S UNLIKELY THAT THAT PROPERTY IS GOING TO BECOME ACTIVE AGAIN BECAUSE IT HASN'T FOR THE LAST ALMOST 20 YEARS.

Leffingwell: I THINK THAT'S A GOOD IDEA TO GO BACK BE AND WORK WITH THE NEIGHBORHOOD. I WOULD MAKE A MOTION THAT WE CLOSE THE PUBLIC HEARING AND POSTPONE UNTIL OCTOBER 11 TZ. OCTOBER 11th.

THANK YOU. MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER KIM. ANY FURTHER COMMENTS? THEN -- YES, PHIL?

SORRY, COUNCILMEMBER. I HEARD YOU SAY OCTOBER 12TH, I HEARD COUNCILMEMBER LEFFINGWELL SAY 11th. I JUST WANT A CLARIFICATION SINCE YOU'RE GOING THROUGH A MOTION.

Leffingwell: I'VE GOT A QUORUM -- I DON'T KNOW IF I WOULD GET A QUORUM ON THE 12TH.

McCracken: WE'RE NOT DOING ANOTHER FRIDAY ZONING MEETING AGAIN. SO OCTOBER 11th. WE'LL CLOSE THE PUBLIC HEARING AND POSTPONE ANY ACTION ON THIS TO OCTOBER 11S. ALL IN FAVOR? THE MOTION IS ADOPTED ON A VOTE OF FIVE TO NOTHING WITH THE MAYOR AND MAYOR PRO TEM OFF THE DAIS.